

**UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MASSACHUSETTS**

**C.A. No. 04-12244-GAO
Consolidated**

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STANDARD FIRE INSURANCE COMPANY,)
Plaintiff)
)
v.)
)
CROSBY YACHT YARD, INC and)
OYSTER HARBORS MARINE , INC.,)
Defendants)
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**PLAINTIFFS', ACE AMERICAN INSURANCE COMPANY, FEDERAL
INSURANCE COMPANY, INSURANCE COMPANY OF NORTH AMERICA,
MARYLAND CASUALTY COMPANY, NORTHERN INSURANCE COMPANY,
SOLDIER OF FORTUNE CORPORATION, DIANE L. COMOLETTI, AND
JAMES F. CLEARY, MOTION TO COMPEL ANSWERS TO
INTERROGATORIES AND RESPONSE TO REQUEST FOR PRODUCTION OF
DOCUMENTS**

Now comes the plaintiffs, ACE American Insurance Company, Federal Insurance Company, Insurance Company of North America, Maryland Casualty Company, Northern Insurance Company, Soldier of Fortune, Diane L. Comoletti, and James F. Cleary, in the above entitled action, by its attorney, and moves this Honorable Court pursuant to Rule 37 of the Federal Rules of Civil Procedure to compel the Defendant, Crosby Yacht Yard, Inc. (the "Defendant"), to Answer Interrogatories propounded pursuant to Rule 33 and to produce documents and things requested pursuant to Rule 34 of the Federal Rules of Civil Procedure by the Defendant. The Interrogatories and Requests for Production were served on the Defendant on February 9, 2006.

The Plaintiffs assign as reason, therefore the following:

1. The Plaintiffs propounded interrogatories pursuant to Rule 33 and requested certain materials pursuant to rule 34 of the Federal Rules of Civil Procedure.
2. The requested materials are discoverable under Rule 26, 33, and 34 of the Federal Rules of Civil Procedure.
3. The requested materials are relevant to the subject matter involved in the pending action and are not privileged.
4. The Defendant has failed to answer the interrogatories and produce such materials or timely object to their production and has therefore, prejudiced the Plaintiffs.

WHEREFORE, the Plaintiffs prays this Honorable Court grant its Motion to Compel Answers to Interrogatories and Production of Documents and order the Defendant to answer the interrogatories and produce the requested documents within ten (10) days of the allowance of this motion.

For the Plaintiffs,
ACE American Insurance Co. et. al.
By their attorney,

/s/ Paul F. Cavanaugh
Paul F. Cavanaugh, BBO# 561158
Daly Cavanaugh LLP
27 Mica Lane – Suite 101
Wellesley, MA 02481
(781) 237-0600

CERTIFICATE UNDER DISCOVERY

Now comes the plaintiffs, ACE American Insurance Company, Federal Insurance Company, Insurance Company of North America, Maryland Casualty Company, Northern Insurance Company, Soldier of Fortune, Diane L. Comoletti, and James F. Cleary, in the above entitled action, by their attorney and hereby certify that the letter attached hereto was forwarded to Defendant's counsel in an attempt to resolve the discovery dispute. There was no response to this letter.

For the Plaintiffs,
ACE American Insurance Co. et. al.
By their attorney,

/s/ Paul F. Cavanaugh
Paul F. Cavanaugh, BBO# 561158
Daly Cavanaugh LLP
27 Mica Lane – Suite 101
Wellesley, MA 02481
(781) 237-0600

Dated: July 7, 2006

Certificate of Service

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on July 7, 2006.